

ASSEMBLY BILL

No. 1079

Introduced by Assembly Member V. Manuel Perez

February 27, 2009

An act to add Section 71105 to the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1079, as introduced, V. Manuel Perez. Environment: California-Mexico border.

Existing law creates the California Border Environmental and Public Health Protection Fund. The money in that fund is available, upon appropriation, to the Secretary for Environmental Protection to assist local governments in implementation of projects to identify and resolve environmental and public health problems that directly threaten the health or environmental quality of California residents or sensitive natural resources of the California border region, to provide technical assistance, to provide funds for equipment and labor costs associated with emergency abatement of environmental and public health problems imposed on residents of California due to cross-border impacts of pollutants originating from Baja California, and to provide analytical and scientific equipment and services needed by border area public agencies to identify and monitor the sources of environmental and public health threats posed by the cross-border transmission of environmental pollutants and toxics.

This bill would require the California Environmental Protection Agency, the State Water Resources Control Board, and the Colorado River Basin Regional Water Quality Control Board to take all necessary action to provide support to the City of Calexico and County of Imperial

to implement the New River Public Health Improvement Project, as defined. The agency and those boards would be required to work with appropriate governmental and nongovernmental organizations on the California-Mexico border to establish cooperative water monitoring, inspection, and technical assistance programs, to assist in efforts to oversee the design, construction, operation and maintenance of federally funded wastewater projects in Mexicali, Mexico, and to expedite the issuance of any necessary waste discharge requirements. Those boards would be required to expedite the development of water quality objectives and total maximum daily loads for the New River pursuant to the federal Clean Water Act. The bill would require the agency and the State Water Resources Control Board to facilitate compliance by the International Boundary and Water Commission, United States Section, with legal requirements in connection with the discharge of waste into the New River, to seek funding to carry out the above provisions and, by January 31, 2010, to submit to the Legislature, a description of the resources and the amount of funds necessary to implement the above provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 71105 is added to the Public Resources
2 Code, to read:
3 71105. (a) The Legislature finds and declares all of the
4 following:
5 (1) The New River poses an imminent and severe threat to the
6 public health of residents of Calexico, California and adjacent
7 communities in Imperial County. Since the 1940s, the New River
8 has been recognized as a significant pollution and human health
9 problem, primarily because of extremely high concentrations of
10 fecal coliform bacteria. The waterway's pathogens include
11 pathogens that cause tuberculosis, encephalitis, polio, cholera,
12 hepatitis, and typhoid; levels for many of these contaminants are
13 in violation of federal, state, and Mexican standards by several
14 hundredfold.
15 (2) The New River is listed as an impaired river by the United
16 States Environmental Protection Agency due to low dissolved
17 oxygen (DO) and the presence of chlordane, chlorpyrifos, copper,

1 dichloro-diphenyl-trichloroethane (DDT), diazinon, dieldrin,
2 mercury, nutrients, pathogens, PCBs, sediment, selenium,
3 toxaphene, toxicity, trash, and volatile organic compounds (VOCs).

4 (3) The New River is a major contributor of pollution to the
5 Salton Sea, and failure to address water quality problems in the
6 New River are impeding the ability of the state to implement laws
7 and programs designed to restore and protect this important
8 environmental and wildlife habitat resource.

9 (b) As used in this section, the following terms have the
10 following meanings:

11 (1) “Agency” means the California Environmental Protection
12 Agency.

13 (2) “Boards” means the State Water Resources Control Board
14 and the Colorado River Basin Regional Water Quality Control
15 Board.

16 (3) “City” means the City of Calexico, California.

17 (4) “County” means the County of Imperial, California.

18 (5) “IBWC” means the International Boundary and Water
19 Commission, United States Section.

20 (6) “New River Public Health Improvement Project” or “project”
21 means a project that consists of sewage treatment, pollution
22 prevention, the encasing and piping of the New River in Calexico,
23 and the restoration and enhancement of the New River channel to
24 protect human health and the natural environment as authorized
25 in Section 7043.5 of the Water Code.

26 (c) The agency and the boards, to the extent permitted by law,
27 shall take all necessary actions under this section to provide support
28 to the city and county to implement the project for the
29 California-Baja border region.

30 (d) To the extent permitted by law, the agency and the boards
31 shall work with appropriate binational, federal, state, local, and
32 nongovernmental organizations on both sides of the
33 California-Mexico border to establish cooperative water quality
34 monitoring, inspection, and technical assistance programs as
35 needed to support and implement the project.

36 (e) In order to support the implementation of the project, the
37 boards shall expedite the development of water quality objectives,
38 and total maximum daily loads pursuant to Section 303(d) of the
39 federal Clean Water Act (33 U.S.C. Sec. 1313(d)), for the New
40 River.

1 (f) The agency and the State Water Resources Control Board
2 shall facilitate compliance by the IBWC with this section and the
3 federal Clean Water Act in connection with the discharge of waste
4 into the New River.

5 (g) The agency and the boards, to the extent permitted by law,
6 shall assist the IBWC in its efforts to oversee the design,
7 construction, operation, and maintenance of federally funded
8 wastewater projects in Mexicali, Mexico, and to expedite the
9 issuance of any necessary waste discharge requirements in
10 accordance with the National Pollutant Discharge Elimination
11 System (NPDES) permit program.

12 (h) The agency and the State Water Resources Control Board
13 shall seek funding from the United States Environmental Protection
14 Agency, the International Boundary and Water Commission, the
15 Border Environment Cooperation Commission, the North American
16 Development Bank, and other agencies as necessary to carry out
17 this section.

18 (i) The agency and the State Water Resources Control Board
19 shall prepare and submit to the Legislature, on or before January
20 31, 2010, a description of the resources and the amount of funds
21 necessary to comply with this section. The agency and the State
22 Water Resources Control Board shall include with this description
23 information relating to any action taken pursuant to subdivisions
24 (d) to (g), inclusive.